

PROB 12C
(7/93)

United States District Court
for
District of New Jersey

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: James Tyler

Cr.: 03-CR-603

Name of Sentencing Judicial Officer: The Honorable Stanley R. Chesler

Date of Original Sentence: 8/2/2004

Original Offense: Possession and Affecting Commerce of a Firearm, in violation of Title 18: U.S.C. § 922(g)(1) & 2

Original Sentence: 46 months imprisonment, followed by 3 years supervised release with special conditions for drug testing and treatment, financial disclosure and to pay a \$2,000 fine and \$100 Special Assessment

Date of Violation Sentence: 7/22/2009

Violation Offense: Failure to Notify USPO of a Change of Address, Failure to Appear for Drug Testing, Failure to Submit Monthly Supervision Reports

Violation Sentence: Time Served (one month) followed by 2 years supervised release, with special conditions to obtain and maintain employment, and all other conditions as originally ordered on 8/2/2004.

Type of Supervision: Supervised Release
Assistant U.S. Attorney: James Hoffman

Date Supervision Commenced: 11/14/06
Defense Attorney: Brian Reilly

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance


1

The offender has violated the special condition which states, 'The defendant shall reside for a period of 3 months in a community corrections center, halfway house or similar residential facility and shall observe all the rules of that facility. The defendant shall not be eligible for weekend privileges. The defendant shall pay subsistence as required by the program.' The offender commenced a halfway house placement at the Kintock Facility in Philadelphia on February 1, 2010, as a sanction for noncompliance with the conditions of supervised release. On February 17, 2010, the offender was unsatisfactorily discharged from the facility due to noncompliance with program rules. Specifically, the offender refused to turn over a cellphone and be pat searched by a staff member, and he refused to submit a urine sample.

2 The offender has violated the standard and special condition of supervision which states, **'the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons,'** and **'the defendant shall seek and maintain employment.'** The offender has failed to report on time for an appointment on November 13, 2009, with the employment workshop seminar, which is run by the ED/PA probation office. The offender arrived at 10:30am for a 10:00am appointment, thus causing him to be unable to participate in the seminar. He has also missed appointments for this workshop on November 25, 2009, and November 30, 2009. This noncompliant behavior contributed to the halfway house sanction denoted in violation number one of this petition. The offender has remained unemployed since his release from custody on July 22, 2009.

3 The offender has violated the special condition which states, **'The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.'** On November 13, 2009, the offender submitted a urine sample which tested **positive** for marijuana. This noncompliant behavior contributed to the halfway house sanction denoted in violation number one of this petition.

I declare under penalty of perjury that the foregoing is true and correct.

By: Steven Alfrey 
U.S. Probation Officer
Date: 6/8/07

THE COURT ORDERS:

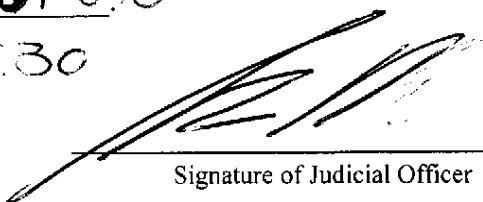
☐ The Issuance of a Warrant

☒ The Issuance of a Summons. Date of Hearing: 3/30/2010

☐ No Action

☐ Other

@ 10:30


Signature of Judicial Officer

3/15/2010
Date